

## DECLARATION (37 CFR 1.63) AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name; and

I believe that I am the original, first, and sole inventor (if only one name is listed below), or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Lower Extremity Rehabilitation and Exercise Device**, specification for which

☒ is attached hereto.

☐ was filed \_\_\_\_\_, Serial No. \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code §119 and/or §365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Application<br>Serial No. | Country | Filing Date | Priority Claimed |
|---------------------------|---------|-------------|------------------|
|---------------------------|---------|-------------|------------------|

I hereby claim priority benefits under Title 35, United States Code §119 of any provisional application(s) for patent listed below:

| Application<br>Serial No. | Filing Date   | Priority Claimed |
|---------------------------|---------------|------------------|
| 60/214,025                | June 26, 2000 | Yes              |

I hereby claim the benefit under Title 35, United States Code, §120 and/or §365 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| Application<br>Serial No. | Filing Date | Status (Patented,<br>Pending, Abandoned) |
|---------------------------|-------------|--|
|---------------------------|-------------|--|

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following persons registered to practice before the Patent and Trademark Office as my attorneys with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith: David R. Saliwanchik, Reg. No. 31,794; Jeff Lloyd, Reg. No. 35,589; Doran R. Pace, Reg. No. 38,261; Christine Q. McLeod, Reg. No. 36,213; Jay M. Sanders, Reg. No. 39,355; James S. Parker, Reg. No. 40,119; Jean Kyle, Reg. No. 36,987; Seth Blum, Reg. No. P-45,489; Frank C. Eisenschenk, Reg. No. 45,332 Glenn P. Ladwig, Reg. No. 46,853; Margaret Efron, Reg. No. 47,545; and Jon Michael Gibbs, Reg. No. 47,594.

I request that all correspondence be sent to:

Jean Kyle  
P.O. Box 2274  
Hamilton, MT 5984-4274

I further request that all telephone communications be directed to:

Jean Kyle  
406-375-1317

Name of First or Sole Inventor Kirk Timmer

Residence Great Falls, Montana Citizenship United States

Post Office Address 1413 41<sup>st</sup> Street, S.

Great Falls, Montana 59405 USA

Kirk Timmer

Date

6/16/01

Signature of First or Sole Inventor

\*\*\*\*\*

Name of Second Joint Inventor \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_

Date \_\_\_\_\_

Signature of Second Joint Inventor

\*\*\*\*\*

Name of Third Joint Inventor \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_

Date \_\_\_\_\_

Signature of Third Joint Inventor

\*\*\*\*\*

Name of Fourth Joint Inventor \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_

Date \_\_\_\_\_

Signature of Fourth Joint Inventor

09093799.062601

Applicant or Patentee: Kirk Timmer Attorney's  
Serial or Patent No.: \_\_\_\_\_ Docket No. KEL-100XC1  
Filed or Issued: \_\_\_\_\_  
For: Lower Extremity Rehabilitation and Exercise Device

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9 (f) and 1.27 (b)) – INDIVIDUAL

As below named individual, I hereby declare that I qualify as defined in 37 CFR 1.9 (c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office, with regard to the invention entitled Lower Extremity Rehabilitation and Exercise Device described in

- ☐ the specification filed herewith  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9 (c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

- ☐ no such person, concern, or organization  
☐ persons, concerns, organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring their status as small entities. (37 CFR 1.27)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change of status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Kirk Timmer

NAME OF INDIVIDUAL NAME OF INDIVIDUAL NAME OF INDIVIDUAL

Kirk Timmer

Signature of Individual Signature of Individual Signature of Individual

6/16/01

Date Date Date